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**BEFORE THE
FEDERAL MARITIME COMMISSION**

**Docket No. 08-03
Docket No. 12-02**

FILED

OCT 11 2016

Federal Maritime Commission
Office of the Secretary

MAHER TERMINALS, LLC

COMPLAINANT

v.

THE PORT AUTHORITY OF NEW YORK AND NEW JERSEY

RESPONDENT

**SUPPLEMENT TO JOINT MOTION FOR APPROVAL OF SETTLEMENT
AGREEMENT, DISMISSAL WITH PREJUDICE, AND STAY**

Complainant Maher Terminals, LLC ("Maher") and Respondent The Port Authority of New York and New Jersey ("Port Authority"), through their respective attorneys, hereby jointly file this supplement to their Joint Motion for Approval of Settlement Agreement, Dismissal With Prejudice, and Stay filed on September 30, 2016 (the "Joint Motion"). This supplement is being filed at the suggestion of the Secretary's Office in order to clarify the timetable for the transaction at the center of the proposed settlement and dismissal of these proceedings.

On October 5, 2016, the Presiding Officer in Dkt. 12-02 referred that proceeding to the Commission, noting that "[i]t appears that the settlement will not be effective if the Commission does not approve the settlement agreement or any of its terms and conditions or the purchaser does not acquire Maher by November 24, 2016."

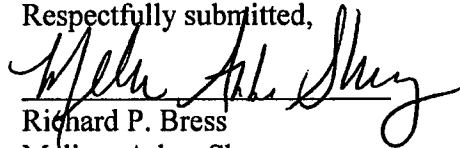
The parties wish to supplement the Joint Motion to clarify to the Commission that in order for the acquisition closing to occur by November 24, 2016, as a practical matter, approval

of the settlement by the Commission is needed a few weeks in advance of that date. This is because approximately three weeks' time following the Commission's approval is needed to finalize the closing materials and make the necessary arrangements in connection with the transaction.

For the reasons stated in the Joint Motion, the Commission should approve the settlement, and, as clarified herein, the parties respectfully request that the Commission issue its order as soon as practicable, but no later than October 31.

Dated: October 11, 2016

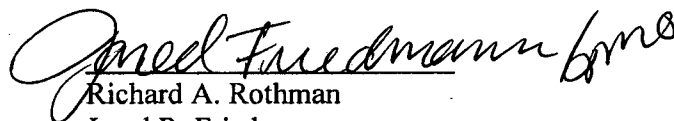
Respectfully submitted,



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October 12, 2016

Secretary Karen Gregory
Office of the Secretary
Federal Maritime Commission
800 North Capitol Street
Washington, DC 20573

Re: Maier Terminals, LLC v. The Port Authority of New York and New Jersey, FMC Dkt. Nos. 08-03 and 12-02

Dear Secretary Gregory:

On October 11, 2016, Maier Terminals, LLC and the Port Authority of New York and New Jersey submitted to the Commission the Supplement to Joint Motion for Approval of Settlement Agreement, Dismissal With Prejudice, and Stay in the above-captioned matters. Pursuant to Rule § 502.2(f)(3), we hereby enclose the original and five copies of the same.

If you have any questions, please do not hesitate to contact us.

Respectfully submitted,



Alea J. Mitchell

Enclosures